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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,691	09/19/2001	David H. Harkness	28049/34692A	1414

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EXAMINER

SALCE, JASON P

ART UNIT PAPER NUMBER

2611

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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09/955691

EXAMINER

ART UNIT

PAPER

01/03/2005

DATE MAILED:

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Commissioner for Patents

## Notice of Non-Compliance with the Requirements of 37 CFR 41.37(d)

The brief does not contain the items of the brief required by 37 CFR 41.37(d) under the appropriate headings and/or in the order indicated.

Each issue should be treated under a separate heading.

The brief does not contain a heading identifying "Ground of rejection to be reviewed on appeal" as required by 37 CFR 41.37(d).

The brief does not contain a heading identifying the "Argument" section, as required by 37 CFR 41.37(d), which also requires that a separate heading is required for each ground of rejection, any claim argued separately should be placed under a subheading, and further pieces of information, which are all underlined by 37 CFR 41.37(d).

The brief does not contain a heading identifying the "Evidence appendix" as required by 37 CFR 41.37(d).

The brief does not contain a heading identifying the "Related proceedings appendix" as required by 37 CFR 41.37(d).

The brief does not contain a heading identifying the related appeals and interferences directly affected by or having a bearing on the decision in the pending appeal as required by 37 CFR 41.37(d).

The brief's heading "Summary of Invention" should be "Summar of Claimed Subject Matter".

The numbering of each category must be the same, for example "Status of the Claims" should be III, not II, which was skipped by applicant (Related Appeals and Interference).

Appellant is required to comply with the provisions of 37 CFR 41.37(d).


To avoid dismissal of the appeal, appellant must ratify the appeal brief within the longest of any of the following TIME PERIODS: (1) ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing of this communication, whichever is longer; (2) within the time period for reply to the action from which appeal has been taken; or (3) within two months from the date of the notice of appeal under 37 CFR 41.33. Extensions of these time periods may be granted under 37 CFR 1.136.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P Salce whose telephone number is (703) 305-1824. The examiner can normally be reached on M-Th 8am-6pm (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for

unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



CHRIS GRANT  
PRIMARY EXAMINER

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